IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated: 18th day of June 1998

Before
THE HON'BLE Mr.JUSTICE V.GOPALA GOWDA

WRIT PETITION No.5658/94

Between:

Smt.Laxmibai,
W/o.Shantaram Saidesai,
(Since Dead) by L.R:-

Smt.Satyawati Shantaram Sirdesai,
R/o.Mughawade,
Khanapur Taluk,
Belgaum District. ...PETITIONER

(By Sri R.U.Goulay)

And:

1. The Land Tribunal,
Khanapur-I,
by its Chairman,
Belgaum District.

2. The State of Karnataka
represented by its Revenue
Commissioner & Secretary,
Revenue Department,
Vidhana Soudha,
Bangalore.

3. Ganesh Govind Gavada,

4. Vittal Govind Gavada,

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Both are majors,
R/o.Kapoli Village,
Khanapur Taluk,
Belgaum District. ...RESPONDENTS

(By Smt.Bharathi Nagesh,
A.G.A for R-1)

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W.P is filed under Articles 226 & 227 of the Constitution of India praying to quash the order at Annexure-C dated 13-11-1981 passed by the Land Tribunal in Case No.KLR.OCP.SR 2 + 3.

This W.P coming on for hearing this day, the Court made the following:-

O R D E R

The petitioner/owner has challenged the impugned order of the Land Tribunal granting occupancy rights in favour of respondents 3 and 4 to an extent of 4 acres 14 guntas of land in Sy.No.29 of Kabanalli Village.

2. On the basis of the application filed by respondents 3 and 4 seeking occupancy rights, the Tribunal conducted enquiry. The petitioner was represented by her daughter Miss Sheelavathi as Power of Attorney Holder. Respondents 3 and 4 have adduced evidence to the effect that they are cultivating the land

for the last 30 years and the 3rd respondent's name is registered as a permanent tenant as per Diary No.98 and that they were paying half crop grown in the land to the petitioner. Their names have been entered in the R.T.C. On the other hand, the P.A.Holder of the petitioner has deposed that she is cultivating the land and that the name of the applicants had been deleted long back and her name is entered in the R.T.C. She has requested to reject the applications. The Tribunal verified the R.T.C extracts and found that the names of respondents 3 and 4 were entered. The Tribunal rightly attached the presumption under Section 133 of the Land Revenue Act and gave a categorical finding that the land was a tenanted land. This is a finding of fact recorded by the Tribunal on the basis of the documents placed before it. The order of the Tribunal is a well considered order. This Court will not interfere with such finding of fact and the valid order. The petitioner also did not show that the impugned order is either perverse or not based on any material. There are no grounds to interfere with the impugned order.

3. The writ petition fails and the same is hereby dismissed. There is no order as to costs.

Sd/-
JUDGE

MP
270798